

AMENDED IN ASSEMBLY APRIL 7, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2165

Introduced by Assembly Member Bonta
(Coauthors: Assembly Members Gonzalez, Roger Hernández,
Lackey, and Wilk)
(Coauthor: Senator Roth)

February 17, 2016

An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2165, as amended, Bonta. Firearms: prohibitions: exemptions.

Existing law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under existing law, this prohibition does not apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, a police department, the Department of Corrections and Rehabilitation, or any federal law enforcement agency, among other entities.

This bill would also make the above prohibition inapplicable to the sale of a handgun to, or purchase of one by, other peace officers, as ~~specified~~: *specified, who have satisfactorily completed the portion of an introductory training course pertaining to the carrying and use of firearms.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 32000 of the Penal Code is amended to read:

32000. (a) A person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.

(b) This section shall not apply to any of the following:

(1) The manufacture in this state, or importation into this state, of a prototype handgun when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the Department of Justice pursuant to Section 32010 to conduct an independent test to determine whether that handgun is prohibited by Sections 31900 to 32110, inclusive, and, if not, allowing the department to add the firearm to the roster of handguns that may be sold in this state pursuant to Section 32015.

(2) The importation or lending of a handgun by employees or authorized agents of entities determining whether the weapon is prohibited by this section.

(3) Firearms listed as curios or relics, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations.

(4) The sale or purchase of a handgun, if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff's official, a marshal's office, the Department of Corrections and Rehabilitation, the *Department of the California Highway Patrol*, any district attorney's office, any other peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 ~~of the Penal Code~~, *who has satisfactorily completed the portion of the introductory training course specified in Section 832 pertaining to the carrying and use of firearms*, any federal law enforcement agency, or the military or naval forces of this state or of the United States for use in the discharge of their official duties. This section does not prohibit the sale to, or purchase by, sworn members of these agencies of a handgun.

(5) The sale, purchase, or delivery of a handgun, if the sale, purchase, or delivery of the handgun is made pursuant to subdivision (d) of Section 10334 of the Public Contract Code.

1 (c) Violations of subdivision (a) are cumulative with respect to
2 each handgun and shall not be construed as restricting the
3 application of any other law. However, an act or omission
4 punishable in different ways by this section and other provisions
5 of law shall not be punished under more than one provision, but
6 the penalty to be imposed shall be determined as set forth in Section
7 654.

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